

### **Remarks/Arguments**

Claims 1-6 are pending. The claims are not amended in the present response, but are reproduced herein for the examiner's convenience.

#### **A. Rejection of claims 1 and 5**

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger (US 6,345,058), Naimpally (US 5,619,337) and Ogino (US 5,852,467).

Applicants submit that for at least the reasons discussed below present claims 1 and 5 are patentably distinguishable over the teachings of Jaeger, Naimpally, and Ogino.

As acknowledged by the office action, Jaeger does not teach or suggest at least the features of: each data packet being associated with one of N packet identifiers; and triggering a writing process of the data contained in the plurality of buffers to the recording medium when said total sum quantity of data reaches a predetermined level, said predetermined level being dependant on at least one characteristic of the recording medium.

However, applicants submit that Jaeger also does not teach providing N ( $N > 1$ ) buffers for receiving respectively packets corresponding to one of N packet identifiers as alleged by the Office Action. This is because Jaeger fails to disclose or suggest a transport stream having data packets associated with one of N packet identifiers. The Office Action ostensibly acknowledges this defect of Jaeger as applied to the present claims because the Office Action cites Naimpally, rather than Jaeger, as disclosing the transport stream having packets being associated with one of N packet identifiers.

Even assuming arguendo that the memory area that stores the original tracks of Jaeger can be interpreted to correspond to virtual buffers as alleged in the Office Action, it is not shown at all how the alleged virtual buffers can correspond to buffers corresponding to the N packet identifiers if Jaeger is

acknowledged as not disclosing a transport stream having packets associated with one of N packet identifiers in the first place. It cannot follow that Jaeger discloses the recited N buffer feature when Jaeger does not even disclose the recited transport stream.

As discussed in previous responses, Naimpally teaches a MPEG-2 transport stream having multiple packets identifiers, but Naimpally does not teach a plurality of buffers.

Therefore, applicants submit that the combination of Jaeger and Naimpally fails to teach or suggest the step of providing N buffers for receiving respective packets corresponding to one of N packet identifiers.

Ogino also does not disclose a plurality of buffers for recording packets having different identifiers. Ogino discloses a digital camera where several pictures can be stored in a memory (M0-M7) and transferred to a hard disk drive. However, Ogino does not teach having a plurality of buffers for storing packets having different identifiers and triggering a writing process of the data contained in the plurality of buffers to the recording medium when the total sum quantity of data reaches a predetermined level, the predetermined level being dependant on at least one characteristic of the recording medium.

The cited paragraphs of Ogino show that the images are transferred together on the hard disk drive and not each time a photograph is taken. However, this is distinguishable from the claimed invention where there is a plurality of buffers, each having a respective capacity. In Ogino, there is not a plurality of buffers, but a single buffer memory where all the photographs are temporarily stored, which is very different because, according to the present invention, there is a monitoring of a total sum quantity of data in the plurality of buffers. In Ogino, it is mentioned that when the hard disk drive is full, no transfer of data is possible, but this cannot be considered as the Applicant invention when it is said that the predetermined level depends on one characteristic of the recording medium, because a predetermined level is defined and the fact that the disk is full or empty

changes dynamically, therefore the level of emptiness or fullness cannot be used as a characteristic of a recording medium for setting a predetermined level.

In view of the above, the suggested combination of the cited documents fails to disclose or suggest each and every limitation of present claims 1 and 5.

Therefore, the Applicant submits that for at least the reasons recited above independent claims 1 and 5 are patentably distinguishable over any combination of the cited references.

**B. Rejection of claims 2-3 and 6**

Claims 2-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger (US 6,345,058), Naimpally (US 5,619,337), Ogino (US 5,852,467), and Yoneda (EP 0 841 819).

Applicants submit that even assuming arguendo that Yoneda discloses the features alleged in the Office Action, the additional teachings of Yoneda fails to overcome the defect of Jaeger, Naimpally and Ogino as applied to claims 1 and 5. Therefore, claims 2-3 and 6, which depend from claims 1 and 5, respectively, are also patentably distinguishable over the suggested combination of Jaeger, Naimpally, Ogino, and Yoneda.

**C. Rejection of claim 4**


Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeger (US 6,345,058), Naimpally (US 5,619,337), Ogino (US 5,852,467), Yoneda (EP 0 841 819), and Deo (US 6,304,914).

Applicants submit that even assuming arguendo that Deo discloses the features alleged in the Office Action, the additional teachings of Deo fails to overcome the defect of Jaeger, Naimpally, Ogino, and Yoneda as applied to claim 1. Therefore, claim 4, which depends from claim 1, is also patentably distinguishable over the suggested combination of Jaeger, Naimpally, Ogino, Yoneda, and Deo.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,

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Date: 12/23/09

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